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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NAWAZ, ASAD M

ART UNIT PAPER NUMBER

2155

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/868,277

Applicant(s)

LAUTENBACHER, MARKUS

Examiner

Asad M. Nawaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment filed on February 9, 2005. The specification was amended to overcome the objections to the drawings. Claims 21 and 25 were also amended to change claim dependencies. Claims 16-29 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 16-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Devarakonda et al (US Patent No. 6,757,729).

As to claim 16, Devarakonda teaches In an IP-based network, a system comprising: at least one server storing application programs for implementing user specific subscribable services, said server storing said services on a per user basis; (Abstract; Fig 1; col 2, 28-40; col3, 50-56; col 4, 1-5 and 38-40)

And at least one terminal having on-demand access to said IP-based network for requesting downloadable programs corresponding to said services, whereby said application programs can be executed. (Fig 1; col 4, 43-44; col 6, 4-8)

As to claim 17, Devarakonda teaches the system of claim 16, wherein said user specific subscribable services are supplementary to basic user services. (col 3, 50-56; col 4, 51-67; col 5, 10-24)

Claim 22 contains the same limitations and thus is rejected under the same rationale as claim 17 above.

As to claim 18, Devarakonda teaches the system of claim 16, wherein said user specific subscribable services are supplementary to Internet Telephony service. (col 4, 11-15)

Claims 23 and 28 contain the same limitations and thus are rejected under the same rationale as claim 18 above.

As to claim 19, Devarakonda teaches the system of claim 18, wherein said user specific subscribable services can be user configured via said at least one terminal. (Fig. 1; Fig. 4; col 3, 40-49)

As to claim 20, Devarakonda teaches the system of claim 19, wherein said server includes a Java system, and said at least one terminal supports downloading of said applications programs. (col 2, 20-23 and 49-61; col 3, 3-10; col 4, 44-47)

As to claim 21, Devarakonda teaches in a telecommunications network, a server comprising a database system storing a collection of application programs for implementing specific services subscribable by a user, said database system storing

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said specific services in a profile on a per user basis; (Abstract; Fig 1; col 2, 28-40; col3, 50-56; col 4, 1-5 and 38-40)

And a transfer component for on-demand transferring to a user at a terminal, application programs according to said specific services. (col 3, 50-56; col 4, 51-67; col 5, 10-24; col 6, 4-8)

As to claim 24, Devarakonda teaches In an IP network, a terminal comprising a client component for on-demand requesting of user downloadable application software from a server, said application software capable of implementing user subscribable services and said application software including an application execution component for executing said downloadable software, whereby said software executes user service and/or a supplementary service of a user service. (Abstract; Fig 1.; col 3, 50-56; col 4, 51-67; col 5, 10-24)

As to claim 25, Devarakonda teaches the terminal of claim 24, wherein said application execution component is implemented as a virtual machine. (abstract)

As to claim 26, Devarakonda teaches the terminal of claim 25 wherein said user subscribable services can be configured via said client component. (col 3, lines 39-61)

As to claim 27, Devarakonda teaches a method for realizing services in an IP-based network, the method comprising the steps of: providing user services via server in the core of the network and executing said user services via a terminal at the network edge.(Abstract; Fig 1; col 2, 20-25)

As to claim 29, Devarakonda teaches a communication network comprising a core network for providing user services, and a terminal at the network edges for executing said user services. (Abstract; Fig 1; col 2, 20-25)

Response to Arguments

3. Applicant's arguments filed have been fully considered but they are not persuasive.

4. In the remarks, the applicant argues in substance that; A) Devarakonda does not disclose the provisioning of user services. B) Devarakonda discloses a virtual environment manager (VEM) and one is not required in the present application.

In response to A), Devarakonda does disclose the provisioning of user services. The instant application defines user services as "services to the end user resulting from the inter-working of network-aware applications...e.g. e-mail, WWW, Buddy Lists, Internet Telephony, etc". (page 4 and 5). Therefore, the services such as fax and mail as disclosed in Devarakonda do correspond to user services. (Figs 4 and 6; col 4, lines 12-43) Devarakonda, thus, meets the scope of the claimed limitation.

In response to B) Although Devarakonda discloses the use of a virtual environment manager, there is nothing to suggest in the application as claimed that would forbid the use of a VEM. In fact, in Devarakonda, even though the user downloads VEM, there are also applications running on the end terminal. (col 3, lines 11-23; col 4, lines 43-44)

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5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SALEH NAJJAR
PRIMARY EXAMINER